

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES : CRIMINAL ACTION
: :
v. : :
: :
DARRYL K. BARNES : NO. 05-134

ORDER

AND NOW, this 20th day of July, 2009, upon consideration of Defendant's Motion to Vacate, Set Aside, or Correct Sentence (Docket No. 134), and in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED** as follows:

1. Defendant's Motion is **DENIED**.
2. Because Defendant has failed to make a substantial showing of the denial of a constitutional right, we decline to issue a certificate of appealability under 28 U.S.C. § 2253(c)(2).

BY THE COURT:

/s/ John R. Padova
John R. Padova, J.